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**Justice Canada
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MEETING OF THE CANADIAN JUDICIAL COUNCIL

WEDNESDAY APRIL 6, 2016

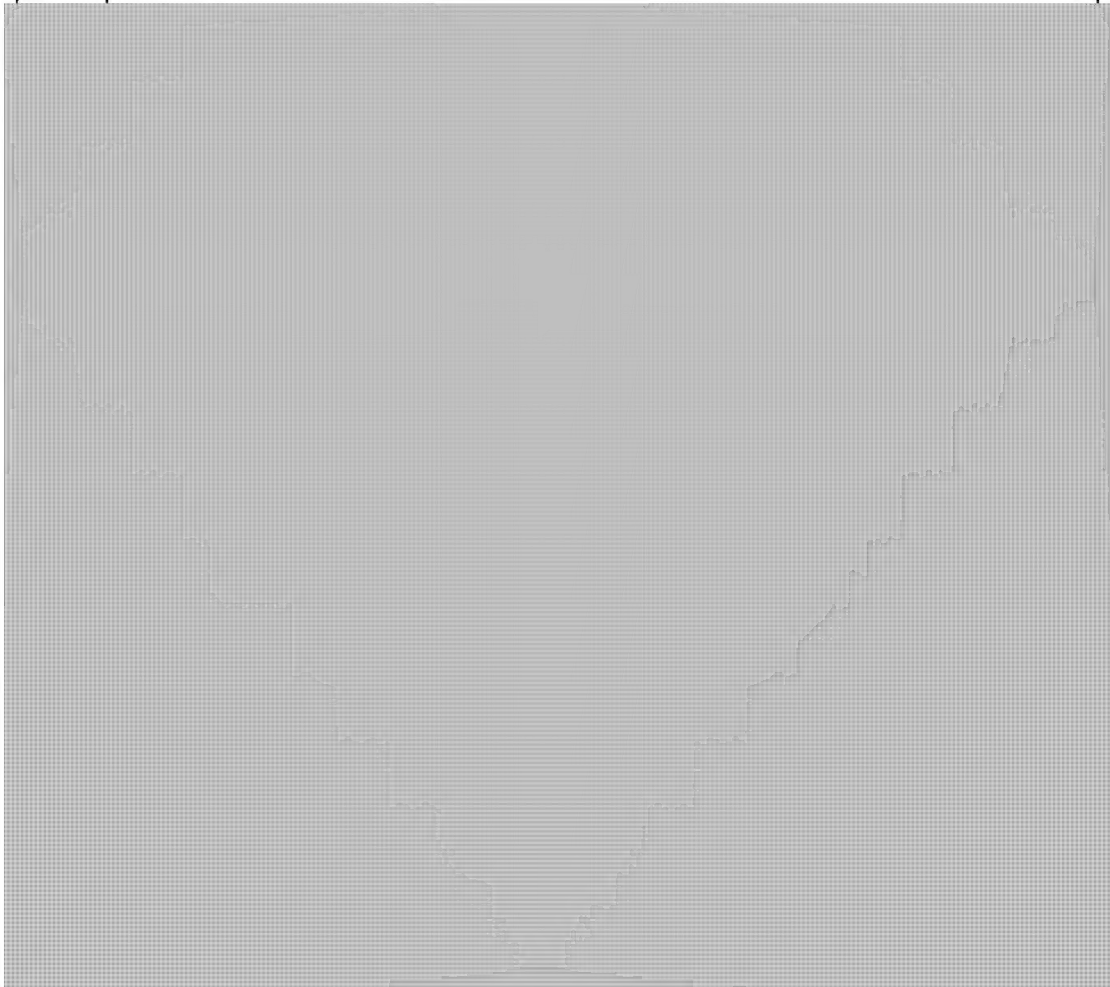
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BRIEFING MATERIALS

**MEETING OF THE CANADIAN JUDICIAL COUNCIL
APRIL 6, 2016**

TAB	CONTENT / TOPIC
1	SCENARIO NOTE
2	CJC MEMBERSHIP
3	SPEECH





Department of Justice
Canada

Ministère de la Justice
Canada

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SCENARIO
2016-004416

MEMORANDUM FOR THE MINISTER

Meeting of the Canadian Judicial Council: Gatineau, Quebec—April 6, 2016

ISSUE

You have agreed to attend and speak at the annual meeting of the Canadian Judicial Council (CJC) in Gatineau, Quebec, on April 6, 2016, at the Hilton Lac-Leamy. The invitation from Norman Sabourin, Executive Director of the CJC, is attached at Annex A.

BACKGROUND

The CJC is composed of 39 federally appointed chief justices, associate chief justices, and senior judges from federal, provincial, and territorial superior courts across Canada. The CJC is chaired by the Chief Justice of Canada. A list of current CJC members and staff is attached at Tab 2.

Created under the *Judges Act*, the main statutory responsibility of the CJC is to receive and consider complaints concerning the conduct of members of the federally appointed judiciary. In addition to its discipline mandate, the CJC's statutory objects also include promoting efficiency and uniformity, and improving the quality of judicial service, in the superior courts. For example, the CJC approves educational seminars that are funded under the *Judges Act*. It also takes positions on matters affecting the federal judiciary, such as judicial compensation and independence.

The full CJC meets twice a year, usually in April and September; the Minister of Justice and Deputy Minister of Justice are always invited. You are scheduled to make a short presentation on issues of mutual concern, followed by a question and answer session.

CONSIDERATIONS

An hour has been set aside on the agenda for your appearance. Your speech (Tab 3) is expected to be around 20 minutes. Tabs 4 through 15 provide key messages and background information on issues that might be raised.

You will be seated at the head table with Deputy Minister Pentney and next to the Chief Justice of Canada, who will introduce you. Depending on the room configuration, you may either speak from a separate podium, or from your chair.

The Executive Director of the CJC, Norman Sabourin, will be in attendance and will likely introduce himself to you.

The Commissioner of Federal Judicial Affairs, William Brooks, is also invited to give a presentation. Although no formal meeting agenda has been received, officials understand that his appearance is scheduled for later in the agenda.

While CJC discussions are held in confidence and are closed to the public, it is possible that information from your presentation will be shared with other members of the judiciary. Media are not present.

CONCLUSION

This meeting offers an opportunity to discuss matters of mutual interest to the Government and the CJC, to explain the Government's perspective on particular issues, and to hear from the Council on issues of concern to it and to its members. It is also a chance to develop relationships with individual members of the CJC.

ANNEX Invitation from Mr. Norman Sabourin dated February 15, 2016

PREPARED BY

Randall Harris

Counsel

Judicial Affairs, Courts and Tribunal Policy

Public Law Sector

613-941-4147

CJC
CCM

Canadian
Judicial Council
Conseil canadien
de la magistrature

Ottawa, Ontario K1A 0W8

MINISTER OF JUSTICE
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15 February 2016

The Honourable Jody Wilson-Raybould Minister of Justice and
Attorney General of Canada
284 Wellington Street
Ottawa, ON K1A 0H8

Dear Minister:

As you know from your recent discussions with Chief Justice McLachlin and Chief Justice Bauman respectively, the Canadian Judicial Council is holding its Annual Meeting on 6 and 7 April, 2016 at the Hilton Lac Leamy in Gatineau. This meeting provides Council members with the opportunity to discuss key issues of interest to the judiciary. I speak on behalf of all Council members when I say that your participation at the meeting would be both informative and appreciated.

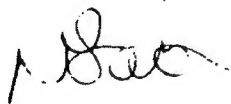
The purpose of this note, therefore, is to invite you to attend part of this meeting and deliver a few remarks on Wednesday afternoon or Thursday afternoon.

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I will be in touch with your Chief of Staff [REDACTED] closer to the meeting date to advise her of any particular issue members may wish to discuss.

The Chief Justice of Canada has also expressed her hope that you and your guest will join Council members for dinner on 7 April, at the Rideau Club, 99 Bank Street, in Ottawa. A formal invitation will be mailed in the coming weeks.

Yours sincerely,



Norman Sabourin
Executive Director and Senior General Counsel

TAB 2

Canadian Judicial Council Members

Canada (Federal)

Supreme Court of Canada

The Right Honourable Beverley McLachlin, P.C., C.J.C. (Chairperson)

Federal Court of Appeal

The Honourable Marc Noël, Chief Justice of the Federal Court of Appeal

Federal Court

The Honourable Paul S. Crampton, Chief Justice of the Federal Court

Tax Court of Canada

The Honourable Eugene P. Rossiter, Chief Justice of the Tax Court of Canada

The Honourable Lucie Lamarre, Associate Chief Justice of the Tax Court of Canada

Court Martial Appeal Court of Canada

The Honourable B. Richard Bell, Chief Justice of the Court Martial Appeal Court of Canada

Alberta

The Honourable Catherine A. Fraser, Chief Justice of Alberta

The Honourable Neil C. Wittmann, Chief Justice of the Court of Queen's Bench of Alberta

The Honourable John D. Rooke, Associate Chief Justice of the Court of Queen's Bench of Alberta

British Columbia

The Honourable Robert Bauman, Chief Justice of British Columbia

The Honourable Christopher E. Hinkson, Chief Justice of the Supreme Court of British Columbia

The Honourable Austin F. Cullen, Associate Chief Justice of the Supreme Court of British Columbia

Manitoba

The Honourable Richard J. Chartier, Chief Justice of Manitoba

The Honourable Glenn Joyal, Chief Justice of the Court of Queen's Bench of Manitoba

The Honourable Shane I. Perlmutter, Associate Chief Justice of the Court of Queen's Bench of Manitoba

The Honourable Marianne Rivoalen, Associate Chief Justice, Family Division, Court of Queen's Bench of Manitoba

TAB 2

New Brunswick

The Honourable Ernest Drapeau, Chief Justice of New Brunswick

The Honourable David D. Smith, Chief Justice of the Court of Queen's Bench of New Brunswick

Newfoundland and Labrador

The Honourable J. Derek Green, Chief Justice of Newfoundland and Labrador

The Honourable Raymond P. Whalen, Chief Justice of the Trial Division of the Supreme Court of Newfoundland and Labrador

Northwest Territories

The Honourable Louise A. Charbonneau, Senior Judge of the Supreme Court of the Northwest Territories

Nova Scotia

The Honourable J. Michael MacDonald, Chief Justice of Nova Scotia

The Honourable Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia

The Honourable Deborah K. Smith, Associate Chief Justice of the Supreme Court of Nova Scotia

The Honourable Lawrence I. O'Neil, Associate Chief Justice of the Supreme Court of Nova Scotia,
Family Division

Nunavut

The Honourable Robert Kilpatrick, Senior Judge of the Nunavut Court of Justice

Ontario

The Honourable George R. Strathy, Chief Justice of Ontario

The Honourable Heather J. Smith, Chief Justice of the Superior Court of Justice (of Ontario)

The Honourable Alexandra Hoy, Associate Chief Justice of Ontario

The Honourable Frank N. Marrocco, Associate Chief Justice of the Superior Court of Justice (of Ontario)

Prince Edward Island

The Honourable David H. Jenkins, Chief Justice of Prince Edward Island

The Honourable Jacqueline R. Matheson, Chief Justice of the Trial Division, Supreme Court of Prince
Edward Island

TAB 2

Québec

The Honourable Nicole Duval Hesler, Chief Justice of Québec

The Honourable Jacques R. Fournier, Chief Justice of the Superior Court of Québec

The Honourable Robert Pidgeon, Senior Associate Chief Justice of the Superior Court of Québec

The Honourable Eva Petras, Associate Chief Justice of the Superior Court of Québec

Saskatchewan

The Honourable Robert Richards, Chief Justice of Saskatchewan

The Honourable Martel D. Popescul, Chief Justice of the Court of Queen's Bench for Saskatchewan

Yukon Territory

The Honourable Ronald Veale, Senior Judge of the Supreme Court of the Yukon Territory

Staff and Advisors

Josée Cardinal

Committees Management Officer

Odette Dagenais

Senior Administrative Officer

Josée Desjardins

Director, Committees Management

Josée Gauthier

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Johanna Laporte

Director, Communications and Registry Services

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Committees Management Officer

Mélanie Mckinnon

Registry and Communications Support Officer

Marc-Olivier Proulx

Programmer – Analyst, Web Site and Systems Management

Norman Sabourin

Executive Director and Senior General Counsel

Speaking Notes for the Minister of Justice and Attorney General of Canada
Canadian Judicial Council Annual Meeting
April 6, 2016

Thank you, Chief Justice, for the warm welcome and kind words of introduction, and for inviting me to speak to you today on Algonquin territory. I've been looking forward to meeting with the Council. Having spent much of my life around chiefs – and in my last job having held the title of Regional Chief of the B.C. Assembly of First Nations – I'm glad to be in familiar company.

My name is Jody Wilson-Raybould. My traditional name is Puglaas and I come from the Musgamagw Tsawataineuk and Laich-Kwil-Tach people of northern Vancouver Island.

I am honoured to be here, marking this once-in-a-lifetime moment that we share: meeting for the first time as individuals who all bear tremendous responsibilities within Canada's system of justice. You have all worked – some for many years – as members of a strong and independent judiciary; I am still very new to my role as Minister of Justice.

The roles that we play, however, and the offices we fill, are not new; and what is a personal and unique event for us is

but one of many meetings between members of the judiciary and a Minister of Justice and Attorney General, the principal lawyer in charge of administering the laws of Canada. These meetings – whether face to face, as now, or interactions that occur because of the roles we play on different stages – have shaped the relationship between the respective branches of government of which we are members. I see myself as the primary interlocutor between the executive and the judiciary, and I acknowledge and embrace how unique this relationship is: founded on and framed by constitutional principles and responsibilities that have been discovered, fostered and developed over decades and centuries.

This relationship is not the only one I hold dear that is imbued with constitutional significance: our government has embarked on and is committed to developing a nation-to-nation relationship with Canada's Indigenous peoples. We can and will redefine that relationship in a fundamental way. I can't help but think about the years and generations of earnest toil that lie ahead of us as we collectively deconstruct the colonial legacy and rebuild the relationship on principles of respect and recognition.

At the same time, I recognize that the relationship between the executive and the judiciary – including the development of the principle of judicial independence – is at a different, more developed, stage. The constitutional framework is more mature, more clearly defined, but respect and collaboration will be our guideposts here as well.

In neither relationship is there room for complacency. And in fostering both of them, I am committed to the approach championed by our government – one grounded in respect, mutual collaboration, openness, and transparency.

I have been an advocate for good governance my whole life. And now, as Minister of Justice and Attorney General of Canada, I am the steward of the Canadian justice system and I take my responsibilities and accountabilities very seriously. These general responsibilities were distilled into a specific mandate that was set for me by our Prime Minister in a letter to me, but that is also open for all the world to see. This means I can't hide: when I succeed, everyone will know; the same is true if I falter. I accept this not only because I know I do not have to accomplish anything single-

handedly but, more importantly, because with responsibility comes a need for accountability.

One of the benefits of having a public to-do list is that I don't have to tell people what I've been up to. And certainly, these early months have required me to focus on a number of critical priorities for our government. Moving forward on medical assistance in dying and on an inquiry into missing and murdered Indigenous women and girls has been challenging, rewarding and at times all-consuming. Other horizontal and over-arching initiatives include our review of litigation positions, our review of the criminal justice system and sentencing reforms, and the nation-to-nation relationship I mentioned a moment ago.

Some of the commitments from my mandate letter directly engage the courts, and I will be seeking your views and support in achieving results in those areas. And even beyond my mandate letter, I have been learning about what it means to be the primary interlocutor between the judiciary and the executive. I have already met or spoken with a few of you on specific issues, and I know that there are many more matters on which we will continue to engage. I would

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like to briefly address a few of these in the remainder of my
remarks.



Pages 14 to / à 23
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21(1)(a), 21(1)(b)

of the Access to Information Act
de la Loi sur l'accès à l'information

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***[Conclusion]***

As I have said, it is a singular honour to be the Minister of Justice. It may feel daunting at times, and my list of priorities is long. But I know the experiences that have brought me to

○ this point have prepared me well, and my energy and enthusiasm run deep.

○ This is certainly not the first time I have felt the weight of responsibility, or that I have been involved in the challenging but necessary work of reconciling competing tensions. As a Regional Chief of the B.C. Assembly of First Nations, I engaged daily on issues of governance, accountability, and fairness – all complex issues, and particularly intricate because they were infused with constitutional significance flowing from the unique Indigenous context in which they arose.

○ In many aspects of my new role as Minister of Justice, that work continues. Again, I am constantly seeking balance among seemingly divergent principles – whether in relation to assisted dying, criminal law reform or, to bring the point back home, in seeking to protect the essential conditions of judicial independence, while supporting the principles of openness and transparency for which our government stands.

One of the sustaining precepts of Indigenous political systems is the idea of consensus. Issues are debated for the very reason that not everyone is likely to agree on every aspect of a question. But consensus is sought in order to achieve balance in society and to help ensure decisions that survive the test of time. In doing so, chiefs respect each other and the people they serve.

You have my respect, my commitment to collaboration, and my pledge of partnership in an institutional relationship based on a shared vision of a fair, efficient, and equitable justice system that serves Canadians in all their rich diversity.

Thank you for your time. I'd be pleased to take any questions you might have.

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21(1)(a), 21(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

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**of the Access to Information Act
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**of the Access to Information Act
de la Loi sur l'accès à l'information**

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**of the Access to Information Act
de la Loi sur l'accès à l'information**

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21(1)(a), 21(1)(b)

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de la Loi sur l'accès à l'information